

e. robert (bob) wallach (29078)
Law Offices of e. robert (bob) wallach, P.C.
Lawyer-Counselor
P.O. Box 2670
San Francisco, California 94126-2670
Telephone: (415) 989-6445
Facsimile: (415) 989-3802
Email: erobertbob@sbcglobal.net

JAMES McMANIS (40958)
MATTHEW SCHECHTER (212003)
McMANIS FAULKNER & MORGAN
Fairmont Plaza – 10th Floor
50 West San Fernando Street
San Jose, California 95113
Telephone: (408) 279-8700
Facsimile: (408) 279-3244
Email: jmcmanis@mfmlaw.com

Dennis P. Riordan (69320)
RIORDAN & HORGAN
523 Octavia Street
San Francisco, California 94102
Telephone: (415) 431-3472
Facsimile: (415) 552-2703
Email: dennis@riordan-horgan.com

Attorneys for Defendant,
MURDAUGH STUART MADDEN, JR.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MURDAUGH STUART MADDEN, JR.,

Defendant.

Case No. CR 07-00245 JF

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONTINUE SENTENCING
HEARING AND DEADLINE FOR
SENTENCING MEMORANDA**

///

///

1 **IT IS HEREBY STIPULATED** by and between the parties, through their counsel,
2 that the Sentencing Hearing, currently scheduled for Wednesday, January 16, 2008, at 9:00
3 a.m. before the Honorable Jeremy S. Fogel, be continued to April 30, 2008, at 9:00 a.m. The
4 reasons for this Stipulation appear below.

5 1. The facts and legal issues in this case are complex. It will take additional time for
6 defense counsel to review fully and properly the case, in order to have a complete understanding
7 of the issues involved. Continuing the Sentencing Hearing until April 30, 2008, will give
8 defense counsel the opportunity to do so.

9 2. Given the necessity for defense counsel to prepare effectively, a continuance of
10 the Sentencing Hearing is warranted.

11 Counsel for defendant conferred with Assistant United States Attorney, David R.
12 Callaway. Mr. Callaway agreed to the continuance. On December 5, 2007, United States
13 Probation Officer Waseem Iqbal also confirmed his availability on the requested date and stated
14 that he did not object to the proposed continuance of the Sentencing Hearing from January 16,
15 2008 to April 30, 2008.

16 Based on the foregoing, it is further requested that, pursuant to Local Rule 32-5(b), the
17 deadline for submission of the parties' Sentencing Memoranda be extended to April 23, 2008.
18 There is no objection to this extension.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

3. Pursuant to N.D. Cal. L.R. 32-2(a)(3), I hereby certify that Hilary Anger, a legal assistant in my office, spoke to Teresa Fleishman, Calendar Clerk for the Honorable Jeremy S. Fogel, on December 5, 2007 and confirmed that the requested date is available on the calendar of the Honorable Jeremy S. Fogel.

McMANIS FAULKNER & MORGAN

DATED:

1/3/08

JAMES MCMANIS
Attorneys for Defendant,
MURDAUGH STUART MADDEN

~~OFFICE OF THE U.S. ATTORNEY~~

DATED:

1/3/08

DAVID R. CALLAWAY
Attorneys for Plaintiff,
UNITED STATES OF AMERICA

ORDER

The Court finds that, taking into account the public interest in the prompt disposition of criminal cases, granting the continuance until April 30, 2008 is necessary for the effective preparation of counsel and continuity of counsel. *See* 18 U.S.C. § 3161(h)(8)(B)(iv).

IT IS SO ORDERED that the Sentencing Hearing in this matter, currently set for January 16, 2008, at 9:00 a.m., be continued to April 30, 2008, at 9:00 a.m. before the Honorable Jeremy S. Fogel.

IT IS FURTHER ORDERED that, pursuant to Local Rule 32-5(b), the deadline for submission of the Sentencing Memoranda from the government and the defense is hereby extended; such Memoranda shall be filed with this Court no later than April 23, 2008.

DATED: 1/14/08



HON. JEREMY S. FOGEL
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION